Public Notice

US Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200400255
Date: September 23, 2005
Comments Due: October 23, 2005
In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Morvai Villages 1 and 2 Project, which would result in impacts to approximately 3.229 acres of waters of the United States, including wetlands. This project is within the North Vineyard Station Specific Plan. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at http://www.spk.usace.army.mil/regulatory.html.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Mr. Greg Roberti
Parkland Homes
2271 Lava Ridge Court, Suite 220
Roseville, California 95661-3065
916-782-7774

LOCATION: The project site is located south of Florin Road and west of Bradshaw Road, in Section 5, Township 7 North, Range 6 East, Sacramento County, California, and can be seen on the Elk Grove USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The Morvai Villages 1 and 2 is apart of the North Vineyard Station Specific Plan, which encompasses approximately 1,590 acres of the Vineyard Community Plan Area. The applicant is proposing to construct a residential community on a 43-acre parcel which involves approximately 175 residential homes, park and recreation areas, streets, landscape corridors and infrastructure, and an on-site wetland preserve. Based on the available information, the overall project purpose is to construct a residential development within the Sacramento County Urban Services Boundary. The attached drawings provide additional project details.

As proposed, construction of the residential development would cause the permanent loss of 1.906 acres of vernal pools and 1.323 acres of seasonal wetlands. A freshwater marsh (1.020 acres), a vernal pool (0.020 acres), and a seasonal wetland swale (0.443 acres) would be avoided and set aside in a preserve area which would have a 100-foot upland buffer surrounding these waters. All seasonal wetlands proposed to be impacted (1.906 acres of vernal pools and 1.323 acres of seasonal wetlands) have been identified as potential habitat for Federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and Federally endangered vernal pool tadpole shrimp (*Lepidurus packardi*).

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 1.926 acres of vernal pools, 1.323 acres of seasonal wetlands, 1.020 acres of freshwater marsh, and 0.443 acres of seasonal wetland swale (4.712 total acres of waters of the U.S.) within the project area that have been verified by this office. The site is primarily characterized by annual grassland which includes scattered seasonal wetland features and a

freshwater marsh. The surrounding land use is primarily grazed grassland with several single-family residences.

Alternatives. The applicant has provided information concerning project alternatives. Four alternatives were considered in their analysis.

1) No Project Alternative: This would result in the property remaining in it's current state with no impact to any waters of the U.S. However, aquatic features would continue to be degraded due to ongoing agricultural practices such as discing. This alternative was rejected by the applicant since it did not meet the project purpose of providing residential housing.

2) No Fill Alternative: This alternative consists of preserving 29 acres of the project area. This would result in no direct impacts to any waters of the U.S., and would include an upland buffer area of 100-feet around all waters of the U.S. This would result in only 14 acres of the north-west corner being developed. The applicant has determined that this alternative would not be economically practicable.

3) No Avoidance: This alternative would develop the entire project area and impact all 4.712 acres of waters of the U.S. on the site. No preserve would be incorporated into the project design. This alternative was rejected by the applicant since it would not conserve aquatic resources on the site.

4) 13-Acre On-Site Preserve Alternative: The alternative would consist of a 13-acre preserve located in the southern half of the site. This would preserve 1.906 acres of vernal pools and 1.171 acres of seasonal wetlands on the site. The applicant has determined that this alternative would not be economically practicable.

Additional information concerning project alternatives may be available from the applicant or their agent (ECORP Consulting, Inc.). Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to create vernal pool and seasonal wetlands at a 1:1 ratio at an off-site Corps-approved mitigation facility. Preservation credits have also been proposed to be purchased for impacts to vernal pools and seasonal wetlands at a 2:1 ratio at a Corps-approved mitigation facility.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Central Valley Regional Water Quality Control Board, is required for this project. The applicant has indicated that they will apply for certification.

HISTORIC PROPERTIES: A cultural resources report of the property has been requested by the Corps. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, for potential impacts to threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and endangered vernal pool tadpole shrimp (*Lepidurus packardi*).

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200400255, must be submitted to the office listed below on or before October 23, 2005:

Mr. David Leput, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: david.w.leput@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Mr. David Leput, 916-557-5327, david.w.leput@usace.army.mil.

Attachments: 2 drawings